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8 Attorney for Plaintiff  
9 ANDCAKE, INC.

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION**

**ANDCAKE, INC., a California  
corporation,**

**Plaintiff,**

**v.**

**PLAYDAY4EVA, LLC, a California  
limited liability company; LING-SU  
CHINN, INC., a California  
corporation; EMINENT, INC., a  
Delaware corporation;  
UNDERSPORTS, INC., a California  
corporation; and DOES 1 through 10,  
inclusive,**

**Defendants.**

**CASE NO.: 2:16-cv-02631**

**Complaint For:**

**1. Copyright Infringement**

***Demand For Jury Trial***

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1 FOR ITS COMPLAINT Plaintiff ANDCAKE, INC. ("Plaintiff" or  
2 "AndCake") alleges as follows:

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4 **THE PARTIES**

5 1. Plaintiff AndCake, Inc. is a corporation duly organized and existing  
6 under the laws of the State of California, having offices at 1532 N. Columbus  
7 Avenue, Glendale, California 91202.

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9 2. Upon information and belief, Defendant PLAYDAY4EVA, LLC  
10 ("Playday4eva") is a California limited liability company organized and existing  
11 under the laws of the State of California with a business address of 850 S.  
12 Broadway, #501, Los Angeles, CA 90014.

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14 3. Upon information and belief, Defendant LING-SU CHINN, INC.  
15 ("Ling-Su Chinn") is a California corporation organized and existing under the laws  
16 of the State of California with a business address of 1653 12<sup>th</sup> Street, Santa Monica,  
17 CA 90067.

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19 4. Upon information and belief, Defendant EMINENT, INC. ("Eminent")  
20 is a Delaware corporation organized and existing under the laws of the State of  
21 Delaware with a business address of 16800 Edwards Road, Cerritos, CA 90703.

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23 5. Upon information and belief, Defendant Undersports, Inc.  
24 ("Undersports") is a California corporation organized and existing under the laws of  
25 the State of California with a business address of 6856 Valjean Avenue, Los  
26 Angeles, CA 91406.

1           6.     Plaintiff is ignorant of the true names and capacities of Doe  
2 Defendants 1-10, inclusive, and therefore sues them by such fictitious names.  
3 Plaintiff will seek leave to amend this complaint to allege their true names and  
4 capacities when they have been ascertained. Plaintiff is informed and believes and  
5 thereon alleges that each of the fictitiously named Defendants is responsible in  
6 some manner for the occurrences herein alleged and that the harm to Plaintiff as  
7 alleged herein was proximately caused by those Defendants. At all times herein  
8 mentioned, Defendants DOES 1-10, inclusive, were the agents, servants, employees  
9 or attorneys of their Co-Defendants, and in doing the things hereinafter alleged  
10 were acting within the course and scope of their authority as those agents, servants,  
11 employees or attorneys, and with the permission and consent of their Co-  
12 Defendants.

#### 13 14                                   **JURISDICTION AND VENUE**

15           7.     This Court has subject matter jurisdiction for this action under 20  
16 U.S.C. §§ 1331 and 1338 in that it raises federal questions under the United States  
17 Copyright Act of 1976, 17 U.S.C. § 101 *et seq.* (the "Copyright Act").  
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19           8.     This Court has personal jurisdiction over Defendants who all reside in  
20 California.

21  
22           9.     Venue is appropriate in this district pursuant to 28 U.S.C. § 1391 as  
23 Defendants reside in this district and substantial number of the events on which the  
24 claims are based took place in this district, and are subject to personal jurisdiction  
25 in this district.  
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## FACTUAL BACKGROUND

10. Plaintiff AndCake, Inc. has been engaged in the business of creating various original designs for different garments, and marketing and selling same since as early as 1999.

11. At least as early as October 2007, Stephanie Larrowe, AndCake's principal, created an elaborate and original embroidery pattern, known as the Samatha Design (the "Work"), and publically disclosed the Work at the Desginers and Agents show in Los Angeles, California. Her company subsequently sold clothing embodying the Work. Below is a photograph of the Work:



12. Ms. Larrow applied to register the Work with the U.S. Copyright Office and was granted Registration Number VA 1-828-478, which was subsequently assigned to Plaintiff. And Cake's Work was registered before the alleged infringement occurred.

1           13. In around March 2016, AndCake became aware for the first time that  
2 Defendants were using and selling without authorization clothing with a nearly  
3 identical embroidery pattern. The infringing products contain essentially the same  
4 elements, composition, arrangement, layout and appearance of, and the designs are  
5 strikingly similar. Below is a photo of Defendants' product:



21           14. On March 10, 2016, AndCake's undersigned counsel sent Playday4eva  
22 a cease-and-desist letter demanding it cease all manufacturing, advertising, sales  
23 and distribution of the infringing product. Attached at Exhibit 1 is a true and  
24 correct copy of this letter and supporting exhibits. No satisfactory response was  
25 received. Plaintiff also became aware of other various local retailers selling the  
26 infringing product. See Exhibit 2.

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1           15. Upon information and belief, Defendants knowingly and willfully  
2 reproduced, sold and distributed the Work without AndCake's authorization.

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4                                   **FIRST CAUSE OF ACTION**

5                   **Copyright Infringement Under The Copyright Act, 17 U.S.C. § 101 *et seq.***  
6                   **(Against All Defendants)**

7           16. Plaintiff repeats and realleges the allegations set forth in paragraphs 1-  
8 15 as though set forth herein.

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10           17. AndCake is the sole owner of all rights, title and interest in and to the  
11 copyright in the Work including the right to reproduce, distribute, manufacture, sell,  
12 and sue infringers and collect damages for past infringements.

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14           18. Upon information and belief, Defendants had access to the Work, and  
15 knowingly, directly copied it and/or proceeded to distribute said unauthorized  
16 copies, without AndCake's consent, in this judicial district and in California, across  
17 the United States and elsewhere, and engaged in conduct that forms part of or  
18 furthers the infringement of others.

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20           19. By the aforesaid acts, Defendants infringed upon AndCake's  
21 reproduction and distribution rights in violation of the Copyright Act, 17 U.S.C.  
22 §101 *et seq.*

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24           20. Upon information and belief, Defendants' acts were willful or at least  
25 grossly negligent in violating AndCake's rights under the Copyright Act.

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27           21. Defendants wrongly profited from said copying, sales and distribution,  
28 and AndCake was damaged in amounts subject to proof at trial. Further, And Cake

1 is entitled to statutory damages for willful infringement in the amount of \$150,000,  
2 and an Order reimbursing its attorney's fees.

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4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff prays that the Court enter Judgment against  
6 Defendants including:

- 7 A. a finding that Defendants knowingly and willfully infringed Plaintiff's  
8 valid copyrights and other violations of the law as alleged herein;  
9 B. that Defendants render an accounting to Plaintiff for their profits and  
10 any actual damages sustained by Plaintiff arising from the foregoing  
11 acts of infringement, subject to proof at trial;  
12 C. that Defendants pay the Plaintiff \$150,000 in statutory damages;  
13 D. that a preliminary and permanent injunction issue enjoining and  
14 prohibiting Defendants, their agents, servants, employees, officers,  
15 attorneys, successors and assigns and all others in active concert or  
16 participation with Defendants from engaging in further acts of  
17 infringement;  
18 E. destruction of all remaining infringing product bearing the Work;  
19 F. an award of all attorney's fees and costs of this suit; and  
20 G. such other and further relief that the Court deems just and proper.

21 DATED: April 18, 2016

Respectfully Submitted,

22 LAUSON & TARVER LLP

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24 By: /s/ Robert J. Lauson

25 Robert J. Lauson, Esq.  
26 Attorney for Plaintiff  
27 ANDCAKE, INC.  
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**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38 and Local Rule 38-1 Plaintiff hereby requests a trial by jury on all claims so triable.

DATED: April 18 , 2016

Respectfully Submitted,

LAUSON & TARVER LLP

By: /s/ Robert J. Lawson

Robert J. Lawson, Esq.  
Attorney for Plaintiff  
ANDCAKE, INC.